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**From:** Holmes, Carol [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A63F745584114AE9B119547A4DC845FD-HOLMES, CAROL]  
**Sent:** 2/25/2019 10:28:50 PM  
**To:** Miles, James [miles.james@epa.gov]  
**Subject:** RE: Hazelton

# Attorney Client / Ex. 5

May contain sensitive communication for internal deliberations only, attorney-client communication, attorney work product, and/or enforcement sensitive information. Do not distribute outside the U.S. Government.

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Carol S. Holmes  
Senior Counsel  
Crosscutting Policy Staff  
Office of Civil Enforcement (MC 2241A)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
Phone (202) 564-8709

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**From:** Miles, James  
**Sent:** Monday, February 25, 2019 5:21 PM  
**To:** Holmes, Carol <Holmes.Carol@epa.gov>  
**Subject:** RE: Hazelton

Geraldine – here's Amos' instruction to her.

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**From:** Holmes, Carol  
**Sent:** Monday, February 25, 2019 5:18 PM  
**To:** Miles, James <miles.james@epa.gov>  
**Subject:** RE: Hazelton

# Attorney Client / Ex. 5

So who has lead on this case for y'all? Because Bethany sent some questions Friday evening, and I haven't seen any response yet. Those questions are related to the concern re impact of our issuing the NON....

Thanks!

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Senior Counsel  
Crosscutting Policy Staff  
Office of Civil Enforcement (MC 2241A)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
Phone (202) 564-8709

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**From:** Miles, James  
**Sent:** Monday, February 25, 2019 4:44 PM  
**To:** Holmes, Carol <[Holmes.Carol@epa.gov](mailto:Holmes.Carol@epa.gov)>  
**Subject:** RE: Hazelton

What the heck.... I thought the Agency's position was that this wasn't a final agency action. So some of this is concerning....

# Attorney Client / Ex. 5

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**From:** Holmes, Carol  
**Sent:** Monday, February 25, 2019 4:14 PM  
**To:** Presler, Amos <[presler.amos@epa.gov](mailto:presler.amos@epa.gov)>; Gardner, Geraldine <[Gardner.Geraldine@epa.gov](mailto:Gardner.Geraldine@epa.gov)>; Baney, Tony <[Baney.Tony@epa.gov](mailto:Baney.Tony@epa.gov)>; Miles, James <[miles.james@epa.gov](mailto:miles.james@epa.gov)>; Saenz, Diana <[Saenz.Diana@epa.gov](mailto:Saenz.Diana@epa.gov)>  
**Cc:** Porter, Amy <[Porter.Amy@epa.gov](mailto:Porter.Amy@epa.gov)>  
**Subject:** FW: Hazelton

# Attorney Client / Ex. 5

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I'm assuming this will be on the WCED General this week, so plan to attend. Thanks!

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Crosscutting Policy Staff  
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U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
Phone (202) 564-8709

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**From:** Fisher, Bethany  
**Sent:** Monday, February 25, 2019 3:42 PM  
**To:** Holmes, Carol <[Holmes.Carol@epa.gov](mailto:Holmes.Carol@epa.gov)>  
**Cc:** Porter, Amy <[Porter.Amy@epa.gov](mailto:Porter.Amy@epa.gov)>  
**Subject:** RE: Hazelton

Hi Carol,

Just wanted to let you know that I raised this issue with my manager. It turns out he's going to have a conversation with Rosemarie Kelley about TSCA matters more generally some time soon, so he said he'll try to work this issue into the conversation as well.

Bethany Fisher  
EPA Office of General Counsel  
Pesticides and Toxic Substances Law Office  
202-564-2672

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**From:** Fisher, Bethany  
**Sent:** Monday, February 25, 2019 12:25 PM  
**To:** Holmes, Carol <[Holmes.Carol@epa.gov](mailto:Holmes.Carol@epa.gov)>  
**Cc:** Porter, Amy <[Porter.Amy@epa.gov](mailto:Porter.Amy@epa.gov)>  
**Subject:** RE: Hazelton

Hi Carol,

# Attorney Client / Ex. 5

Bethany Fisher  
EPA Office of General Counsel  
Pesticides and Toxic Substances Law Office  
202-564-2672

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**From:** Holmes, Carol  
**Sent:** Monday, February 25, 2019 10:43 AM  
**To:** Fisher, Bethany <[fisher.bethany@epa.gov](mailto:fisher.bethany@epa.gov)>  
**Cc:** Porter, Amy <[Porter.Amy@epa.gov](mailto:Porter.Amy@epa.gov)>  
**Subject:** RE: Hazelton

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Crosscutting Policy Staff  
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U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
Phone (202) 564-8709

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**From:** Fisher, Bethany  
**Sent:** Monday, February 25, 2019 10:32 AM  
**To:** Holmes, Carol <[Holmes.Carol@epa.gov](mailto:Holmes.Carol@epa.gov)>; Grant, Brian <[Grant.Brian@epa.gov](mailto:Grant.Brian@epa.gov)>; Baney, Tony <[Baney.Tony@epa.gov](mailto:Baney.Tony@epa.gov)>  
**Cc:** Gardner, Geraldine <[Gardner.Geraldine@epa.gov](mailto:Gardner.Geraldine@epa.gov)>; Miles, James <[miles.james@epa.gov](mailto:miles.james@epa.gov)>; Saenz, Diana <[Saenz.Diana@epa.gov](mailto:Saenz.Diana@epa.gov)>; Vizard, Elizabeth <[Vizard.Elizabeth@epa.gov](mailto:Vizard.Elizabeth@epa.gov)>; Presler, Amos <[presler.amos@epa.gov](mailto:presler.amos@epa.gov)>  
**Subject:** RE: Hazelton

# Attorney Client / Ex. 5

Bethany Fisher  
EPA Office of General Counsel  
Pesticides and Toxic Substances Law Office  
202-564-2672

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**From:** Holmes, Carol  
**Sent:** Monday, February 25, 2019 10:27 AM  
**To:** Fisher, Bethany <[fisher.bethany@epa.gov](mailto:fisher.bethany@epa.gov)>; Grant, Brian <[Grant.Brian@epa.gov](mailto:Grant.Brian@epa.gov)>; Baney, Tony <[Baney.Tony@epa.gov](mailto:Baney.Tony@epa.gov)>  
**Cc:** Gardner, Geraldine <[Gardner.Geraldine@epa.gov](mailto:Gardner.Geraldine@epa.gov)>; Miles, James <[miles.james@epa.gov](mailto:miles.james@epa.gov)>; Saenz, Diana

<Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Presler, Amos <presler.amos@epa.gov>

**Subject:** RE: Hazelton

# Attorney Client / Ex. 5

Thanks!

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Crosscutting Policy Staff  
Office of Civil Enforcement (MC 2241A)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
Phone (202) 564-8709

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**From:** Fisher, Bethany

**Sent:** Friday, February 22, 2019 6:00 PM

**To:** Holmes, Carol <Holmes.Carol@epa.gov>; Grant, Brian <Grant.Brian@epa.gov>; Baney, Tony <Baney.Tony@epa.gov>

**Cc:** Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Miles, James <miles.james@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Presler, Amos <presler.amos@epa.gov>

**Subject:** RE: Hazelton

# Attorney Client / Ex. 5

Bethany Fisher  
EPA Office of General Counsel  
Pesticides and Toxic Substances Law Office  
202-564-2672

---

**From:** Holmes, Carol

**Sent:** Thursday, February 21, 2019 4:00 PM

**To:** Grant, Brian <Grant.Brian@epa.gov>; Baney, Tony <Baney.Tony@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>

Cc: Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Miles, James <miles.james@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Presler, Amos <presler.amos@epa.gov>

Subject: RE: Hazelton

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Crosscutting Policy Staff  
Office of Civil Enforcement (MC 2241A)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
Phone (202) 564-8709

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From: Grant, Brian

Sent: Thursday, February 21, 2019 3:50 PM

To: Baney, Tony <Baney.Tony@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>

Cc: Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Miles, James <miles.james@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Presler, Amos <presler.amos@epa.gov>

Subject: RE: Hazelton

# Attorney Client / Ex. 5

Thanks.

*Brian Grant*  
EPA Office of General Counsel

**From:** Baney, Tony  
**Sent:** Thursday, February 21, 2019 3:25 PM  
**To:** Grant, Brian <Grant.Brian@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>  
**Cc:** Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Miles, James <miles.james@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Presler, Amos <presler.amos@epa.gov>  
**Subject:** RE: Hazelton

# Attorney Client / Ex. 5

**From:** Grant, Brian  
**Sent:** Thursday, February 21, 2019 2:46 PM  
**To:** Baney, Tony <Baney.Tony@epa.gov>; Fisher, Bethany <fisher.bethany@epa.gov>  
**Cc:** Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Miles, James <miles.james@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Presler, Amos <presler.amos@epa.gov>  
**Subject:** RE: Hazelton

# Attorney Client / Ex. 5

Thanks.

*Brian Grant*  
EPA Office of General Counsel  
Pesticides and Toxic Substance Law Office  
202-564-5503

**From:** Baney, Tony  
**Sent:** Thursday, February 21, 2019 2:36 PM  
**To:** Fisher, Bethany <fisher.bethany@epa.gov>  
**Cc:** Grant, Brian <Grant.Brian@epa.gov>; Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Miles, James <miles.james@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>; Holmes, Carol <Holmes.Carol@epa.gov>; Presler, Amos <presler.amos@epa.gov>  
**Subject:** RE: Hazelton

# Attorney Client / Ex. 5

# Attorney Client / Ex. 5

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**From:** Presler, Amos

**Sent:** Wednesday, February 20, 2019 4:09 PM

**To:** Fisher, Bethany <[fisher.bethany@epa.gov](mailto:fisher.bethany@epa.gov)>

**Cc:** Grant, Brian <[Grant.Brian@epa.gov](mailto:Grant.Brian@epa.gov)>; Gardner, Geraldine <[Gardner.Geraldine@epa.gov](mailto:Gardner.Geraldine@epa.gov)>; Baney, Tony <[Baney.Tony@epa.gov](mailto:Baney.Tony@epa.gov)>; Miles, James <[miles.james@epa.gov](mailto:miles.james@epa.gov)>; Saenz, Diana <[Saenz.Diana@epa.gov](mailto:Saenz.Diana@epa.gov)>; Vizard, Elizabeth <[Vizard.Elizabeth@epa.gov](mailto:Vizard.Elizabeth@epa.gov)>; Holmes, Carol <[Holmes.Carol@epa.gov](mailto:Holmes.Carol@epa.gov)>

**Subject:** Re: Hazelton

That's a great question. History of noncompliance, prior violations, etc. can be result in an upward penalty adjustment. Tony can you look in the PCB ERP and respond to Bethany?

Amos Presler, Acting Branch Chief  
Chemical Risk and Reporting Enforcement Branch, WCED  
(202) 564-1076

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On Feb 20, 2019, at 3:53 PM, Fisher, Bethany <[fisher.bethany@epa.gov](mailto:fisher.bethany@epa.gov)> wrote:

Hello OECA,

## Attorney Client / Ex. 5

Bethany Fisher  
EPA Office of General Counsel  
Pesticides and Toxic Substances Law Office  
202-564-2672



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**From:** Fisher, Bethany  
**Sent:** Wednesday, February 20, 2019 11:46 AM  
**To:** Presler, Amos <[presler.amos@epa.gov](mailto:presler.amos@epa.gov)>; Grant, Brian <[Grant.Brian@epa.gov](mailto:Grant.Brian@epa.gov)>  
**Cc:** Gardner, Geraldine <[Gardner.Geraldine@epa.gov](mailto:Gardner.Geraldine@epa.gov)>; Baney, Tony <[Baney.Tony@epa.gov](mailto:Baney.Tony@epa.gov)>; Miles, James <[miles.james@epa.gov](mailto:miles.james@epa.gov)>; Saenz, Diana <[Saenz.Diana@epa.gov](mailto:Saenz.Diana@epa.gov)>; Vizard, Elizabeth <[Vizard.Elizabeth@epa.gov](mailto:Vizard.Elizabeth@epa.gov)>; Holmes, Carol <[Holmes.Carol@epa.gov](mailto:Holmes.Carol@epa.gov)>  
**Subject:** RE: Hazelton

Hi Amos,

Thank you for your email (and Carol for the call yesterday). Yes, it should be fine to wait until Monday for Geraldine's comments. The variable is the due date for the filing, which the court was supposed to provide yesterday but which I haven't seen yet; I'll let you know as soon as I hear.

# Attorney Client / Ex. 5

Please let me know if you have any questions. If I hear of any follow-up or summary from today's meeting, I'll let you know.

Bethany Fisher  
EPA Office of General Counsel  
Pesticides and Toxic Substances Law Office  
202-564-2672

---

**From:** Presler, Amos  
**Sent:** Wednesday, February 20, 2019 10:27 AM  
**To:** Grant, Brian <[Grant.Brian@epa.gov](mailto:Grant.Brian@epa.gov)>; Fisher, Bethany <[fisher.bethany@epa.gov](mailto:fisher.bethany@epa.gov)>  
**Cc:** Gardner, Geraldine <[Gardner.Geraldine@epa.gov](mailto:Gardner.Geraldine@epa.gov)>; Baney, Tony <[Baney.Tony@epa.gov](mailto:Baney.Tony@epa.gov)>; Miles, James <[miles.james@epa.gov](mailto:miles.james@epa.gov)>; Saenz, Diana <[Saenz.Diana@epa.gov](mailto:Saenz.Diana@epa.gov)>; Vizard, Elizabeth <[Vizard.Elizabeth@epa.gov](mailto:Vizard.Elizabeth@epa.gov)>; Holmes, Carol <[Holmes.Carol@epa.gov](mailto:Holmes.Carol@epa.gov)>  
**Subject:** Hazelton

Hi Bethany and Brian,

Thank you for sharing the updated brief with us and letting us know about your planned conversation with OCSPP about this matter. I have a couple process requests.

The first is for more time to review the brief. Our only PCB attorney will be unavailable this week. If you could give us until next Monday so that she can review it when she is back in the office, that would be great.

# Attorney Client / Ex. 5

Thanks,  
Amos

Amos Presler, Acting Branch Chief  
Chemical Risk and Reporting Enforcement Branch  
U.S. EPA, OECA, Office of Civil Enforcement  
(202) 564-1076

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